

Development Management Delegated Decision Report

B/22/0520



SUMMARY OF APPLICATION				
Application Reference	B/22/0520			
Application Type	Full Planning Permission			
Proposal	Refurbishment of the timber shopfront and facade works			
Location	RSPCA, 18 Market Place, Boston, PE21 6EH			
Applicant	Mr J Ling			
Agent	Mr Jonathan Capek, Scorer Hawkins Architects Ltd			
Received Date:	19-Dec-2022	Consultation / Publicity Expiry Date:	17-Feb-2023	
Valid Date:	23-Jan-2023	Statutory Expiry Date:	20-Mar-2023	
Date of Site Visit:	27-Jan-2023	Extension of Time Date:	22-May-2023	
Objections received?	None.			
5 day notification record:				
	Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Approve with Conditions			
Report by:	Megan Epton			
Date:	17-May-2023			

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site is located within the Market Place in Boston town centre and is a commercial premises of 2no. storeys. It is adjacent to other commercial properties and an area of public car parking within the Market Place. It is a Grade II Listed building, located within proximity to other listed buildings and within Boston Conservation Area.

DETAILS OF PROPOSAL:

The proposals include alterations to the shop front and building's façade and includes works to the dormer window and external services.



RECENT RELEVANT HISTORY:

- B/11/0304- **FULL** – Fish pedicure salon and ancillary fitness room - **APPROVED**.
- B/22/0521- **LISTED BUILDING CONSENT** for refurbishment of the timber shopfront and facade works- **ONGOING**.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

South East Lincolnshire Local Plan (2019)

The South East Lincolnshire Local Plan (2019) shows the site as falling within Boston Town Centre, within both the Conservation Area and Primary Shopping Area. The relevant Policies of the Local Plan are:

- Policy 1: Spatial Strategy;
- Policy 2: Development Management;
- Policy 3: Design of New Development;
- Policy 4: Approach to Flood Risk;
- Policy 24: The Retail Hierarchy;
- Policy 25: Supporting the Vitality and Viability of Town Centres;
- Policy 26: Primary Shopping Frontages; and
- Policy 29: The Historic Environment.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2021)

At the heart of the 2021 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 4: Decision making;
- Section 12: Achieving well-designed places;
- Section 14: Meeting the challenge of climate; and
- Section 16: Conserving and enhancing the historic environment.

National Planning Practice Guidance (PPG)

Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

CONSULTATION RESPONSES:

Heritage Lincolnshire were consulted on the application and provided a number of comments relating to specific details, which have been taken on board and changes have been made to the proposals, resulting in a proposal supported by Heritage Lincolnshire.

Lincolnshire County Council (Local Highway and Lead Local Flood Authority) were consulted on the application and held no objections.

THIRD PARTY REPRESENTATIONS RECEIVED:

A third party response was received from the shop tenants with concerns relating to the impact upon trade during any approved renovation works- these have been noted, but whilst these are appreciated, the vast majority of concerns are not material planning considerations and should be taken up with the owner of the building.

EVALUATION:

The key material planning issues considered in the determination of this application are:

- Principle of development;
- Design and impact on the character and appearance of the area;
- Impact on residential amenity;
- Flood risk; and
- Impact on the historic environment.

Principle of Development

SELLP Policy 1 sets out a hierarchy of settlements and states that development will be permitted within the settlement boundaries of these respective settlements providing the proposed development supports the designated role of the settlement in which it is to be executed. Policy 24 sets out the retail hierarchy; it is noted that as a sub-regional centre, Boston town centre will be the “locational focus for the development of town centre uses” to support the vitality and viability of Boston as a town centre.

Policy 25 of the SELLP states the Council will aim to promote the town centre as a destination through “enhancing existing sites and ensuring changes to premises have regard to the significance of heritage assets and the special interests of the Conservation Areas and their settings”. SELLP Policy 26 makes it clear that re-development of frontages should make a positive contribution to the vitality and viability of the Primary Shopping Frontage.

The application site lies within the settlement boundary of Boston (designated Sub-Regional Centre) and is situated within the allocated Primary Shopping Area. The proposed development is for the reinstatement of a shop adjacent to the public car parking area of the ‘Market Place’. The proposed works aim to rejuvenate the premises and enhance its appearance given its architectural heritage.

It is considered that the proposed development on this site would support and contribute to the vitality of Boston as a sub-regional centre and would not conflict with the fundamental aims of Policy 1, 24, 25 and 26 and therefore, it is considered that the principle of development is acceptable subject to the other relevant policy considerations being met.

Design and Impact on the Character and Appearance

Policy 2 of the SELLP indicates that developments will be permitted which will not have harmful impacts upon the character and appearance of the area. Policy 3 states that all developments must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

It is proposed to make alterations to the building's frontage in a number of ways: by lowering the shopfront by approximately 140mm and installing a completely new timber shopfront and stallriser; adding a new hand painted signage board; installing new double glazing to the shopfront with black warm edge spacer bars; new circular window mullions and a new single leaf entrance door; and by replacing the lead flashing and installing a 9W LED light strip above the signage. The alterations to the rest of the building's façade include the overhauling of the existing dormer and sash windows, as well as the cast iron downpipe; re-covering the roof in welsh slate; renewing the parapet gutter and removing the masonry paint on the façade, replacing spalling brickwork and repointing with lime mortar.

The building is not in a significantly poor condition, however it is suffering with ongoing maintenance issues with water. The proposed reinstatement works and alterations present a cohesive shopfront that is respectful of the character of the property and that of the surrounding area, whilst also protecting the building from any further damage. Therefore it is considered that the proposal is in accordance with SELLP Policies 2 and 3.

Residential Amenity

Policies 2, 3 and 30 of the SELLP seek to ensure that new development does not significantly impact neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.

No.18 Market Place is directly adjacent to 2no. properties to its north and south- No.'s 17 and 20 Market Place. All three properties are commercial buildings that form part of a larger terrace. Due to the nature of the proposed works, in that they are largely superficial and do not propose any increase to the footprint or change of use of the building it is not considered that the proposal would cause any negative impacts upon the amenity of any of no.60's surrounding neighbours or future occupiers.

However, concerns have been noted by the building's existing tenants within the ground floor shop over the disruption that may be caused to their trading as a result of the renovation works. The concerns are appreciated but also considered to be typical effects of renovation works of this type. The majority of concerns seem to have arisen from a lack of communication between tenant and owner, and so it is encouraged that the two parties discuss the proposals and plans privately to resolve the issues. There is not thought to be any significant threat to the health and safety or amenity levels as a result of the proposals.

No objections have been received with regards to this proposal and therefore, in respect of the impact on the occupiers of nearby dwellings, the proposal is considered to accord with SELLP Policies 2 and 3

Flood Risk

Policy 4 of the SELLP seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere.

The application is accompanied by a completed Flood Risk Assessment which details the Flood Risk levels of the area but confirms that due to the superficial nature of the works and that the building only contains non-habitable units, that the proposed works impose no additional risk to flooding within the area.

It is considered that the proposal meets the requirements of SELLP Policy 4.

Historic Environment

The Planning (Listed Buildings and Conservation Areas) Act 1990 confirms the duty of the Local Planning Authority to have special regard to the desirability of preserving listed buildings and conservation areas, their setting and any features of special architectural or historic interest. In the context of Section 66 and 72 of the Act, the objective of preservation is to cause no harm. The courts have said that this statutory requirement operates as a paramount consideration – ‘the first consideration for a decision maker’. Planning decisions require balanced judgement but, in that exercise, significant weight must be given to the objective of heritage asset conservation.

Policy 25 of the SELLP states that the Council will promote appropriate opportunities to support and extend the offer of the town centres as destinations through “enhancing existing sites and ensuring changes to premises have regard to the significance of heritage assets and the special interests of the Conservation Areas and their settings”.

Policy 29 of the SELLP relates to the historic environment. Proposals within, affecting the setting of, or affecting views into or out of a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area’s character, appearance and setting. And proposals that affect the setting of a Listed Building should preserve or better reveal the significance of the Listed Building.

No.18 Market Place is itself a Grade II Listed Building (List Entry Number: 1388930) and is also situated within the Boston Conservation Area. There are a number of other Listed Buildings within close proximity to the site, e.g- no.’s ‘16 Market Place’, ‘19 Market Place’ and ‘20 Market Place’. Due to the significance of the building and that of surrounding properties, any development must be designed in such a way that preserves and enhances the architectural heritage of both the building and area that it is in.

A Heritage Statement was included within the submission that details the important heritage assets mentioned above and the historic character of the area. The proposed works are proposed as part of the Boston Townscape Heritage Scheme and the applicant has worked closely with Heritage Lincolnshire during the process of the application to ensure a proposal that will preserve the existing character of the conservation area and surrounding heritage assets, whilst also ensuring that sufficient details have been provided to support it.

Following discussions Heritage Lincolnshire have raised no objections but have made recommendations for conditions to be included within the decision notice. It is considered that the reinstatement works provide pleasant changes that will not cause unnecessary harm to the important heritage assets of the area and instead work to enhance the architectural heritage of no.60 and the surrounding buildings within the Conservation Area.

Overall, it is considered that the proposed development would retain and better reveal the significance of the building, nearby heritage assets and the setting of the Conservation Area, in accordance with Policy 29 of the South East Lincolnshire Local Plan 2019 and Section 66 and 72 of the Planning (Listed building and Conservation Area) Act 1990.

CONCLUSION:

To conclude, this proposal is considered to be an acceptable form of development that accords with Policies 2, 3, 4 and 29 of the South East Lincolnshire Local Plan (2019), paragraphs 194, 202, 203, 207 of the NPPF 2021 and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDATION

Approve with Conditions

CONDITIONS / REASONS			
Pre-commencement conditions?	No	Agreed with applicant/agent - Date:	
1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>		
2	<p>The development hereby permitted shall not be carried out except in complete accordance with the following details shown on the submitted plan(s):</p> <ul style="list-style-type: none"> ▪ 2437-OS Site Location Plan & Block Plan; ▪ 2438-PP01 Rev C – Proposed Front Elevation; and ▪ 2438-PP02 Rev D– Proposed Detailed Front Elevation, Ground Floor Plan and Section. <p>Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan 2019.</p>		
3	<p>Prior to the commencement of any works (other than maintenance) to the roof, dormer cheeks and dormer window, details of the works proposed, including any replacement roof materials, joinery repairs or replacement and metal works, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained thereafter.</p> <p>Reason: In the interests of the appearance and character of the development and the visual amenity of the area, including Boston Conservation Area in accordance with Policies 2 and 3 and 29 of the South East Lincolnshire Local Plan, 2019.</p>		
4	<p>Prior to the commencement of any works (other than maintenance) to the rainwater goods, details of the works proposed, including any replacement rainwater goods, materials or</p>		

fixings, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained thereafter.

Reason: In the interests of the appearance and character of the development and the visual amenity of the area, including Boston Conservation Area in accordance with Policies 2 and 3 and 29 of the South East Lincolnshire Local Plan, 2019.

**INFORMATIVES / NOTES
TO BE INCLUDED ON/WITH DECISION NOTICE**

STATEMENT OF PROACTIVE WORKING:

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.